## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

J.E.B., individually and as next friend to
F.C.B.,

Plaintiff(s)

VS.

CLAY DEAN HILL, individually and
d/b/a SHILOH TREATMENT
CENTER, SHILOH TREATMENT
CENTER, INC.; JUAN J. SANCHEZ,
individually and d/b/a SOUTHWEST
KEY; AND SOUTHWEST KEY
PROGRAMS, INC.,

Defendants

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CIVIL ACTION NO.: 1:19-cv-00444

## **DEFENDANT'S NOTICE OF CONSENT TO REMOVAL**

Defendant, Shiloh Treatment Center, Inc., files this consent to removal under 28 U.S.C. §1446(b)(2).

- 1. Plaintiffs are J.E.B., individually and as next friend of F.C.B. Defendants are Clay Dean Hill, individually and d/b/a Shiloh Treatment Center, Shiloh Treatment Center, Inc. ("Shiloh"), Juan J. Sanchez, individually and d/b/a Southwest Key, and Southwest Key Programs, Inc.("SWK").
- 2. On March 21, 2019, Plaintiffs filed suit against Defendants in the 419<sup>th</sup> Judicial District court in Travis County, Texas. Plaintiffs are the father and son residents and citizens of Guatemala who, while allegedly in search of asylum in the United States, were apprehended by law enforcement authorities in February 2018, taken into custody, and then separated from each other. *See* Plaintiffs' Petition ¶¶ 3, 14-15. In April of 2018, Plaintiff J.E.B., the father, was allegedly

deported to Guatemala while minor Plaintiff F.C.B. remained in the custody of the United States government, initially being placed in a facility operated by SWK in Arizona from February to June of 2018, and then transferred to a facility operated by Shiloh Treatment Center, Inc. on June 21, 2018. *See id.* at ¶¶ 15-16, 23-24. Plaintiff F.C.B. allegedly remained at Shiloh from June 21, 2018, until he was deported to Guatemala in December of 2018. *Id.* at ¶¶ 20, 24-25. Plaintiffs assert that during F.C.B's time at Shiloh he was improperly treated with medication without consent, was misdiagnosed, and was sexually assaulted by another child. *Id* at ¶¶ 16-19, 25-35.

- 3. On April 24, 2019, Defendants Juan J. Sanchez and Southwest Key Program's Inc. filed a Notice of Removal to Federal Court.
- 4. Defendant Shiloh Treatment Center, Inc. was served with the suit on April 22, 2019.

  Defendant timely files this Notice of Consent pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of receipt, through service or otherwise, of a copy of Plaintiff's Original Petition.
- 5. Defendant Shiloh Treatment Center, Inc. agrees with the notice of removal and consents to removal of this suit to federal court.

WHEREFORE, the foregoing reasons, Shiloh consents to removal of this suit from state to federal Court pursuant to 28 U.S.C. §1446(b)(2).

Respectfully submitted,

TRIBBLE ROSS

By: /s/ Wesson H. Tribble

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ATTORNEY FOR DEFENDANT, SHILOH TREATMENT CENTER, INC.

## **CERTIFICATE OF SERVICE**

On this the 10<sup>th</sup> day of May, 2019, I electronically submitted the foregoing document with the Clerk of Court of the United States District Court, Western District of Texas, using the Electronic Filing System of the Court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

## **VIA E-SERVICE:**

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> /s/ Wesson H. Tribble Wesson H. Tribble